

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois }
 }
Petition for a Certificate of Public Convenience }
and Necessity, pursuant to Section 8-406.1 of }
the Illinois Public Utilities Act, and an Order }
pursuant to Section 8-503 of the Public Utilities }
Act, to Construct, Operate and Maintain a New }
High Voltage Electric Service Line and Related }
Facilities in the Counties of Adams, Brown, Cass, }
Champaign, Christian, Clark, Coles, Edgar, }
Fulton, Macon, Montgomery, Morgan, Moultrie, }
Pike, Sangamon, Schuyler, Scott, and Shelby, }
Illinois. }

Case No.: 12-0598

DIRECT TESTIMONY

OF

CARL BITLER

Intervenor CSLPG Exhibit 3.0

DIRECT TESTIMONY OF CARL BITLER

Q. PLEASE STATE YOUR NAME AND CURRENT RESIDENTIAL ADDRESS.

A. Carl Bitler. 399 CR 1100 North, Seymour, Illinois 61875.

Q. ARE YOU FAMILIAR WITH THE PROCEEDING IN WHICH YOU ARE SUBMITTING THIS TESTIMONY?

A. Yes, I am.

Q. CAN YOU BRIEFLY DESCRIBE YOUR FAMILIARITY WITH THE PROCEEDING IN WHICH YOU ARE SUBMITTING THIS TESTIMONY?

A. Yes, I can. Illinois Commerce Commission Docket No.: 12-0598 is a proceeding initiated by Ameren Transmission Company of Illinois ("ATXI"), seeking a Certificate of Public Convenience and Necessity and an Order from the Commission to construct, operate, and maintain a new high voltage electric service line and related facilities in the Illinois counties of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby. The original Petition in this matter was filed on November 7, 2012. Because of some amendments to the original Petition, the Administrative Law Judges in this matter ruled that the Petition should be treated as if it were filed in total on January 7, 2013. I am a part of a group of intervenors to this petition, collectively known as the Colfax-Scott Land Preservation Group. Our group filed a Petition to Intervene in this matter which was granted on December 31, 2012, and a Second Amended Petition to Intervene which was granted on February 6, 2013 and reflects the composition of our group as it now exists. Our group is represented by counsel and we are participating as an active party to this proceeding. I am filing this testimony as a

23 representative of the group and in accordance with the current Case Management Order.

24 **Q. ARE YOU AUTHORIZED TO TESTIFY ON BEHALF OF, AND AS A**
25 **REPRESENTATIVE OF, THE COLFAX-SCOTT LAND PRESERVATION GROUP?**

26 A. Yes, I am.

27 **Q. BRIEFLY DESCRIBE THE COMPOSITION OF THE COLFAX-SCOTT LAND**
28 **PRESERVATION GROUP.**

29 A. The Colfax-Scott Land Preservation Group is a collective of twenty-one (21) intervening
30 interests to this proceeding. Each intervening interest represents more than simply an
31 individual or single parcel of land. We are a collective of what we believe would otherwise
32 represent 21 unique Petitions to Intervene in this proceeding. Our group is made up of
33 individuals, residents, landowners, farmers, and otherwise interested parties, all with an
34 interest in land along and/or upon the general path of the Project which is the subject of this
35 proceeding, and within Champaign County, Illinois.

36 **Q. CAN YOU STATE AS SUCCINCTLY AS POSSIBLE WHAT OUTCOME THE**
37 **COLFAX-SCOTT LAND PRESERVATION GROUP ADVOCATES IN THIS**
38 **PROCEEDING?**

39 A. Yes, I can. Quite simply, the Colfax-Scott Land Preservation Group advocates approval of
40 the Petition as filed with approval given to ATXI's proposed Primary Route. The Colfax-
41 Scott Land Preservation Group opposes approval of ATXI's proposed Alternate Route.

42 **Q. CAN YOU ELABORATE AS TO THE COLFAX-SCOTT LAND PRESERVATION**
43 **GROUP'S OPPOSITION OF THE PROPOSED ALTERNATE ROUTE?**

44 A. Yes, I can. The Colfax-Scott Land Preservation Group opposes the Alternate Route segment

starting at the Rising power station and going west, turning south, and continuing until Section 14 of Colfax Township, then east until crossing the Primary Route. The basis for the opposition by the Colfax-Scott Land Preservation Group is a desire to maintain the integrity of the primarily farmland which comprises the various land parcels in which we have an interest. The proposed Alternate Route would compromise not only the integrity and viability of the land itself, but also jeopardize existing methods of irrigation and subsurface tilling, as well as present environmental and safety concerns to the area. Farmland located in Scott and Colfax Townships, Illinois, is recognized worldwide as some of the best in the world, as it is flat, black, high in organic matter, and located over water aquifers, with shared drainage in place. This is a limited resource and more cannot be produced.

Q. CAN YOU INDICATE GEOGRAPHICALLY WHERE THE LAND WHICH IS THE INTEREST OF THE COLFAX-SCOTT LAND PRESERVATION GROUP EXISTS IN RELATION TO THE PROPOSED ALTERNATE ROUTE?

A. Yes, I can. I can best do this by referring you to Intervenor CSLPG Exhibit 1.1, an attachment to the Direct Testimony of Deborah E. Klein, which consists of a list of all affected property owners with corresponding numbers (1-21) and a map of the affected area, labeled with the respective corresponding number (1-21).

Q. CAN YOU PROVIDE THE BASES FOR HOW YOU DEVELOPED YOUR OWN PARTICULAR OPPOSITION TO THE PROPOSED ALTERNATE ROUTE?

A. Yes, I can. 1) Environmental preservation. 2) Destruction of pristine farmland. 3) Loss of income to farmers into perpetuity. 4) Diminished property value. 5) Difficulty in farming around the structures necessary for the construction and maintenance of a 345 kV line.

67 **Q. CAN YOU DESCRIBE THE RELATIONSHIP YOU HAVE TO PARCELS OF LAND**
68 **THAT HAVE BEEN IDENTIFIED AS OF INTEREST TO THE COLFAX-SCOTT**
69 **LAND PRESERVATION GROUP?**

70 A. Yes, I can. I represent the Bitler Investment Partnership L.P. Bitler Investment Partnership
71 L.P. is a properly organized Limited Partnership with three interest holders: myself, The
72 Bitler Trust, and Bitler Investment Management, Inc. Parcel No.: 05-25-11-300-001 is
73 wholly owned by the Bitler Investment Partnership L.P. and is used exclusively for
74 agricultural purposes.

75 **Q. CAN YOU IDENTIFY BY NAME(S) AND ASSOCIATED PHYSICAL ADDRESS(ES)**
76 **AND/OR PARCEL NUMBER(S) THE OTHER MEMBERS OF THE COLFAX-**
77 **SCOTT LAND PRESERVATION GROUP?**

78 A. Yes, I can. William & Deborah Klein: Joint Owners of the "Chesser Farm." Co-Farm
79 Tenants and Members of St. Boniface Catholic Church. Co-Farm Tenants of the Bitler
80 Investment Partnership. Co-Farm Tenants of the Sholem Farm Partnership. Co-Farm
81 Tenants for Barb and Jim O'Connell. Co-Farm Tenants and Powers of Attorney for Mary
82 Klein. Joint Owners of the "Syngenta Building Site." Co-Farm Tenants of the "Syngenta
83 Farm." Stanford H. Sholem Farm Partnership: Parcel No. 05-25-11-400-001. Richard N.
84 DeLong, Parcel No. 23-19-26-100-007. Douglas A. DeLong, Parcel No. 23-19-26-300-005.
85 Richard N. & Douglas A. DeLong as trustees of The Helen N. and C.C. DeLong Trust,
86 Parcel No. 23-19-26-200-001. Gary L. Hixson, 4107 W. Hensley Rd., Champaign, IL,
87 Owner and Tenant of Parcel No. 23-19-23-400-001 Porter Family Farms LLC, Parcel Nos.
88 23-19-26-100-008 and 23-19-23-300-004. AgReliant Genetics, LLC, Owner, 972 County

Road 500 East, Ivesdale, IL 61851. James E. Hixson, Owner, Parcel No. 23-19-23-400-002. Marilee Hixson, Owner, Parcel No. 23-19-23-300-005. Gregory G. & Sally A. Magsamen, Joint Owners, 40 acre tract on 1200 North, ½ mile West of 500 East in Champaign County, Scott Township. The west half of the west half of the SE quarter of Section 35. Hal & Ann Barnhart, Parcel No. 23-19-23-200-001. Boland Farms L.P., Owner, "Driscoll Farm," Parcel No. 5-25-14-100-003, and "Rock Road Farm," Parcel No. 5-25-14-300-004. John F & Julia L. Boland, Owner Tenant, Parcel No. 05-25-14-400-004. James & Barbara O'Connell, Owner, Sec. 35, Scott 19N. R7E; Sec. 13, Colfax T18N, R7E Stanford H. Sholem, Susan G. Sholem, Amalie Frankle Sholem, Hilda Jane Sholem, Daniel Robert Sholem, Andrew G. Frankel, Thomas G. Frankel, Elizabeth G. Frankel, Ryan Grace Sholem, Brooke C. Sholem. Solon-Drenckhahn Farms, LLC: Parcel No.: 05-25-11-100-001, Frances E. Frost, Managing Member, Nicholas R. Frost, Jr., Thomas C. Frost, Brian S. Frost (owners). In addition thereto, the following individuals claim an interest in one or more of the listed properties: M. Nolan, Bill Wood, Josephine Ferris, Harvey Barnhart, Barbara A. Bozeman, Paul G. Boland, Margaret C. Boland, Frank D. Boland, and Marilyn A. Boland.

Q. HAVE YOU HAD AN OPPORTUNITY TO REVIEW THE DIRECT TESTIMONY BEING FILED CONTEMPORANEOUSLY WITH YOUR OWN, ON BEHALF OF DEBORAH E. KLEIN AND JOHN F. BOLAND, AND IF SO, DO YOU HAVE ANY PARTICULAR OPINION ABOUT THE SAME?

A. Yes, I have and I do. I have reviewed in detail the Direct Testimony of both Deborah E. Klein and John F. Boland. In fact, all members of our group have reviewed all of the Direct Testimony that is being filed on March 29, 2013 on behalf of the Colfax-Scott Land

111 Preservation Group. Our group represents a unified front and we all agree completely with,
112 and support, the Direct Testimony being filed on behalf of our group. In fact, if called to
113 testify, any member of our group could attest to the Direct Testimony as filed or, in the
114 alternative, could testify in substantially the same material fashion.

115 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

116 **A.** Yes, it does.